

Supporting Statement A in reference to the public comments by Pardo concerning Form 12

Although we are requesting that the Forms OSC-11, OSC-12, and OSC-13 be renewed for use without change, the Disclosure Unit is in the process of getting OSC Managerial approval for modifications to Form 12, Disclosures, which answer Pardo's concerns in part.

Specifically,

- a. Removing the reference to "substantial likelihood"

The reference to "substantial likelihood" is a reflection of the statutory standard set forth in 5 U.S.C. § 1213(b). In all disclosures, the Special Counsel is mandated to review the information and determine whether there is a substantial likelihood that the information discloses a violation of any law, rule, or regulation, or gross mismanagement, gross waste of funds, abuse of authority, or substantial and specific danger to public health or safety. 5 U.S.C. § 1213(b).

- b. Adding reference to the Special Counsel's discretion in making a referral to an agency head (both in 5 U.S.C. § 1213 (g) (1))

Form 12 is a non-mandatory form for filing disclosures with OSC. It is not intended to provide an exhaustive review of the options available to the Special Counsel to act on a disclosure. This information is found on the OSC website and is readily available to filers.

- c. For federal employees, former federal employees, and applicants

5 U.S.C. § 1213 (a), applies with respect to any disclosure of information by an employee, former employee or applicant for employment. The proposed revisions to Form 12, under review by agency management, include a reference to OSC's jurisdiction over employees, former employees, and applicants for employment. Specific restrictions applicable to each type of filer are more complex and are not intended to be addressed in the filing form. This information is also found on the OSC website and is readily available to filers.

- d. Instructions for submitting classified or confidential information as part of a disclosure (both in 5 U.S.C. § 1213 (a)(i), and (j))

The proposed revisions under OSC management review include an instruction to filers not to use the Form 12 to submit classified information, and provide contact information for instructions and questions. This information is also currently available to filers on the OSC website.